



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

[Proposed]

Padilla et al.,

Plaintiff,

- against -

Cleaver Enterprises, Inc., et al.,

Defendant(s).

FIRST REVISED  
SCHEDULING ORDER

08 Civ. 072 (SAS)  
Conference Date:

### A SCHEDULING ORDER

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on Feb. 19, 2008 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) the date of the conference and the appearances for the parties;  
*Initial Conf. was conducted Feb. 19, 2008. This [Proposed] Order modifies the Scheduling Order set on that date.*
- (2) a concise statement of the issues as they then appear;  
*This seeks damages for alleged violation of 29 USC 201 et seq (FLSA) & the New York Labor Law.*
- (3) a schedule including:
  - (a) the names of persons to be deposed and a schedule of planned depositions;  
*Depositions noticed for Cleaver Martinez, William Padilla & Maria Pascual*
  - (b) a schedule for the production of documents;  
*August 22 - Last day to conduct depositions  
No later than Aug. 29, 2008*
  - (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;  
*i - Sept 5, 2008  
ii - Sept. 19, 2008*
  - (d) time when discovery is to be completed;  
*First round of discovery completed. All discovery to close by Aug. 29, 2008.  
~~Motions to compel (if any) to be filed by Aug. 1, 2008 concerning the parties' first round of discovery requests.~~*

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

*Sept 30, Oct 29, 2008*

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

*Oct 31, 2008 Oct 10, 2008*

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

*Sept. 18 at 4:30*

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

*Tis & As are seeking to resolve outstanding issues and if unable to resolve then, must move to compel by Aug. 1, 2008 with respect to first exchanged requests.*

(6) anticipated fields of expert testimony, if any;

*Tooling Industry - Standard practice re: Tooling Setting*

(7) anticipated length of trial and whether to court or jury;

*3 days / Jury*

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;

*NO further adjournments*

(9) names, addresses, phone numbers and signatures of counsel;

*Tis - Robert Kraselnik, Esq., Law Offices of Robert L. Kraselnik, PLLC  
40 W 4th Street, 28th Fl., NY NY 10005, 212-400-7162*

SO ORDERED: *As - John Karol, Esq., Michael Friedman & Assoc., PC*

*110 E 59th St., 32nd Fl., NY NY 10028, 212-317-1200*

*[Signature]*  
SHIRA A. SCHINDLIN  
U.S.D.J.

*7/17/08*